IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Bail Appl..No. 3794 of 2007()

CMP.4760/2007 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.159/06 OF KOTTARAKKARA EXCISE RANGE

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PETITIONER/ACCUSED

RAJAN @ CHINJILAM RAJAN, ARCHANA
VILASOM VEEDU, KAREEPRA VILLAGE,
KOTTARAKKARA.

BY ADV. SRI.V.PREMCHAND

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ALONG WITH B.A.NOS.3795 & 3796 OF 2007 ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.Nos. 3794, 3795 & 3796 of 2007

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Dated this the 25th day of June, 2007

O R D E R

The common petitioner faces allegations in these three cases all under the provisions of the Kerala Abkari Act. He was allegedly found to keep in his possession 10 litres, 20 litres and 3 litres of arrack on different dates. The petitioner could not be arrested in those cases. He was arrested in some other case . On the basis of the production warrant issued by the learned Magistrate, he was produced before the court and his arrest was recorded.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. At any rate the petitioner may now be released on bail. it is prayed.

3. The learned Public Prosecutor opposes the application. The petitioner is involved in several similar cases. The prosecution is, in these circumstances, obliged to oppose the application. Bail may not be granted to the petitioner, submits the learned Public Prosecutor.

4. In the wake of opposition by the Public Prosecutor, bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. I need only say that in the facts and circumstances of this case, I am unable to entertain either of those satisfactions. The prayer for bail must in these circumstances fail.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the courts for bail again at a later stage of the investigation, not at any rate, prior to 9.7.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation. I may further note that if the petitioner is entitled for bail for default on actual computation of the date, this order shall not stand in the way of the petitioner getting bail from the learned Magistrate on that ground.

(R. BASANT)
Judge

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